



September 21, 1999

Ms. J. Middlebrooks
Assistant City Attorney
Criminal Law and Police Section
City of Dallas
2014 Main, Room 501
Dallas, Texas 75201

OR99-2633

Dear Ms. Middlebrooks:

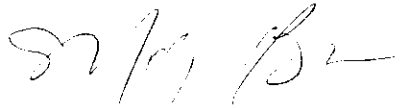
You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 127469.

The City of Dallas (the "city") received a request for information relating to a "fire investigation at Ross Store #370." You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. You have submitted the responsive information to this office for review. We have considered the exception you claim and reviewed the submitted information.

Section 552.108(a)(2) of the Government Code excepts from disclosure information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime if the information deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication. You assert that the individuals identified in the responsive information were "never issued citations or arrested for any violations as a result of this investigation." We construe your position to be that the investigation has concluded in respect to the subject individuals and that the investigation did not result in a conviction or a deferred adjudication. We conclude that you have demonstrated that the information is excepted by section 552.108(a)(2) of the Government Code. The information may be withheld.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "MJ Burns", is written over the typed name.

Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 127469

Encl. Submitted documents

cc: Mr. James D. Dendinger
Cozen and OConnor
2300 BankOne Center
1717 Main St.
Dallas, Texas 78201
(w/o enclosures)